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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,542	11/03/2000	Jeffrey L. Hall	81649SMR	6786

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EXAMINER
CINTINS, IVARS C

ART UNIT	PAPER NUMBER
1724	6

DATE MAILED: 01/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/705,542	Hall et al.
Examiner	**Art Unit**
Ivars Cintins	1724

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Oct 8, 2002* .

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *26-28* is/are allowed.

6) ☒ Claim(s) *1, 2, 4-13, and 25* is/are rejected.

7) ☒ Claim(s) *3 and 14-24* is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4-13 and 25 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Spears et al. (hereinafter "Spears") in view of Honeycutt. As pointed out in the previous Office Action, Spears discloses precipitating silver from a mixture of developer solution and bleach solution (see col. 3, lines 55-58) with a precipitating agent of the type recited (see col. 2, lines 1-22). Accordingly, this primary reference discloses the claimed invention with the exception of the recited absorbent treatment, and the manner in which the silver is recovered from the precipitate (claim 9). Honeycutt discloses a similar process for disposing of spent photographic waste solutions wherein an acidic fixer solution is combined with a basic developer (see col. 2, lines 46-49), and the resultant mixture is treated with an absorbent material to form a solidified waste. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide

the system of Spears with the absorbent treatment of Honeycutt, in order to obtain the advantages disclosed by the secondary reference (i.e. a non-toxic solid suitable for incineration or landfill) for the system of the modified primary reference. The exact water absorbency of the material employed (claims 11 and 12), and the exact manner in which the silver is separated from the precipitate of the modified primary reference (claim 9) are not seen to materially affect the overall results of the modified primary reference process, or to produce any new and unexpected result; and are therefore deemed to be obvious matters of choice, which are insufficient to patentably distinguish the claims.

Applicant's arguments filed October 8, 2002 have been noted and carefully considered but are not deemed to be persuasive of patentability. Applicant argues that Spears treats a seasoned solution comprising combined minilab effluent solutions such as fixer, bleach fixer, stabilizer and bleach solution, whereas Applicant mixes only developer solution and bleach solution together before being combined with other process waste streams coming from the fixer and rinse steps. Initially, Applicant should note that the combined solutions of Spears can also include a seasoned <u>developer solution</u> (see col. 3, line 58). Applicant should further note that claims 1, 2, 4-13 and 25 do not preclude the presence of other solutions, in addition to

developer and bleach, in the liquid undergoing treatment, due to the "comprising" language in line 3 of claim 1; and therefore, the fact that Spears treats a liquid containing such other solutions is not deemed to be persuasive of patentability for these claims. It is pointed out that Spears clearly combines developer and bleach solutions together (see col. 3, lines 57 and 58) prior to treatment with the precipitating agent, and this is all that is required by steps a) and b) of claim 1. As explained above, the presence of other components (e.g. fixer, bleach fixer, stabilizer, etc.) in the liquid undergoing precipitation treatment is permitted by the "comprising" language in line 3 of claim 1.

Applicant also argues that Honeycutt teaches away from Applicant's invention because Honeycutt is directed to combining a fixer and developer solution, and makes no mention of a waste bleach solution. Again, this argument has been noted and carefully considered, but is not deemed to be persuasive of patentability. It is pointed out that Honeycutt is relied upon only for its teaching of treating a spent photographic waste solution with an absorbent in order to produce a non-toxic solid suitable for incineration or landfill, which result would obviously be desirable in the system of Spears. The fact that Honeycutt fails to suggest mixing a developer with a bleach

solution is not deemed to be significant, since the primary reference (i.e. Spears) clearly provides this teaching, as explained above.

Claims 26-28 are allowed. Claims 3 and 14-24 are objected to as being dependent upon a rejected base claim, but would also be allowed if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins

whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached at (703) 308-1972.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Ivars Cintins

Ivars C. Cintins
Primary Examiner
Art Unit 1724

I. Cintins
January 11, 2003